S.B. Criminal Misc. Bail Application No.4513/2006
Date : 13.10.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Amit Gaur for the applicant.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that initially case was registered under Section 323 IPC and subsequently on account of death of the complainant Section 304 IPC was added in the case. He submits that though there were number of injuries on person of the deceased but most of them are bruises and none of them was on vital part of the deceased. He also submits that the deceased was 85 years old person who died because of kidney failure. He submits that as per prosecution version the applicant was having 'Gandasi' in his hand, which is sharp edged weapon, but there is no injury

on the person of the deceased caused by sharp edged weapon, therefore, the applicant may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application and submitted that there are number of injuries on the person of the deceased, therefore, the applicant should not be enlarged on bail.

After hearing learned counsel for the parties and taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Krishnalal S/o Madharam shall be released on bail in FIR No. 102/2006 P.S. Garsana, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and

every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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